

THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

MAY 30 2002

RECEIVED

In re application of:

Joel F. HABENER

Appl. No. 09/635,679

Filed: August 10, 2000

For: **Insulinotropic Hormone and Uses
Thereof** (as amended)

Art Unit:

Examiner:

Atty. Docket: 0609.1090009/MAC

#13
Jury
6/13/02

Reply To Election of Species

Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Office Action dated March 27, 2002, requesting an election of one invention to prosecute in the above-referenced patent application, Applicant hereby provisionally elects to prosecute the invention of Species B, claim 19, in which a hydrophobic amino acid is substituted with a different hydrophobic amino acid.

In reply to the Examiner's request that Applicant names a specific substitution, Applicant selects the derivative in which the leucine is substituted for the single isoleucine in the GLP-1(7-37) sequence. Both leucine and isoleucine are hydrophobic amino acids.

As requested by the Examiner, the elected species has been provided as SEQ ID No. 3 on the accompanying sequence listing. Support for this species is found, *inter alia*, at specification page 13, line 8. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made with traverse. Each species is related to the same starting amino acid sequence and thus search of all the claims would not be undue. Accordingly,


BEST AVAILABLE COPY

reconsideration and withdrawal of the Election of Species, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Michele A. Cimbala
Attorney for Applicants
Registration No. 33,851

Date: May 28, 2002

1100 New York Avenue, N.W.
Suite 600
Washington, D.C. 20005-3934
(202) 371-2600

SKGF_DC1:18341.1

BEST AVAILABLE COPY